

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY DAMASCUS

C O N F I D E N T I A L STATE 158672

E.O. 11652: GDS

TAGS: EFIN, CPRS, US, SY

SUBJECT: U.S. PRIVATE AND OFFICIAL CLAIMS AGAINST SYRIA

REFS: (A) 76 DAMASCUS 8155, (B) 76 DAMASCUS 7860,
(C) STATE 100905, (D) STATE 1971 TO BONN

1. SUMMARY: DEPARTMENT HAS DECIDED ON LIST OF PRIVATE AND OFFICIAL CLAIMS TO BE PRESENTED AGAINST SARG AND REQUESTS AMBASSADOR TO PRESENT REVISED LIST OFFICIALLY TO SARG AND TO ARRANGE DATE FOR COMMENCEMENT FORMAL NEGOTIATIONS. END SUMMARY.

2. DEPARTMENT HAS NOW DECIDED ON FINAL LIST OF OFFICIAL AND PRIVATE CLAIMS TO BE PRESENTED AGAINST SARG.

3. THERE IS AVAILABLE AT THE EMBASSY A ,PRELIMINARY LIST OF MATTERS FOR DISCUSSION WITH THE GOVERNMENT OF THE
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SYRIAN ARAB REPUBLIC" DATED NOVEMBER 20, 1976, WHICH HAD BEEN INFORMALLY HANDED TO DR. MOHAMMED AL-IMADI IN NOVEMBER 1976. DR. AL-IMADI WAS THEN INFORMED BY AMBASSADOR MURPHY THAT AN OFFICIAL LIST WOULD BE SUBMITTED BY THE USG AT A LATER DATE FOR COMMENCEMENT OF FORMAL NEGOTIATIONS.

4. THIS PRELIMINARY LIST SHOULD NOW BE AMENDED AND REDESIGNATED "LIST OF U.S. PRIVATE AND OFFICIAL (USG) CLAIMS AGAINST THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC," SUBJECT TO THE FOLLOWING AMENDMENTS:

(A) IN SECTION "(B) U.S. NATIONALS," DELETE COMPLETELY THE CASES "(3) INTERNATIONAL BASIC ECONOMY CORPORATION" AND "(4) TEXACO-DEUTSCHE-ERDOL COMPANY."

(B) IN SECTION "(B) U.S. NATIONALS," ADD NEW CASE "(3) ATLANTIC RICHFIELD COMPANY (FORMERLY ATLANTIC REFINING COMPANY, A PENNSYLVANIA CORPORATION). CLAIM FOR COMPENSATION FOR TAKING OF ITS INTERESTS ARISING OUT OF MENHALL EXPLORATION PERMITS AND RELATED ACTIVITIES IN PERIOD 1955 TO 1958, FOR EQUIPMENT AND EXPENDITURES. (U.S. DOLLARS 3-5 MILLION)(PLUS INTEREST)."

(C) IN SECTION "(B) U.S. NATIONALS," RENUMBER "(4) ESTATE OF JAMES W. MENHALL" AND INCLUDE EXISTING DESCRIPTIVE TEXT WITH AMOUNT CHANGED TO (U.S. DOLLARS 3-5 MILLION)(PLUS INTEREST) VICE (5).

5. FOR EMBASSY'S USE AND RECORD, DEPARTMENT IS DESPATCHING BY NEXT POUCH TEXT OF REVISED LIST OF CLAIMS.

6. ON BASIS OF LIST REVISED IN ACCORDANCE WITH (4) ABOVE, CONFIDENTIAL

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AMBASSADOR MURPHY, UNLESS HE PERCEIVES OBJECTIONS, IS AUTHORIZED AND REQUESTED TO TRANSMIT REVISED LIST OF ALL CLAIMS OFFICIALLY TO DR. AL-IMADI (OR THE MINISTRY FOR FOREIGN AFFAIRS, OR OTHER APPROPRIATE HIGH SYRIAN OFFICIALS OR MINISTRIES) AND ARRANGE A MUTUALLY SATISFACTORY DATE FOR COMMENCEMENT OF FORMAL NEGOTIATIONS ON ALL U.S. CLAIMS. (FYI - A FALL DATE WOULD BE PREFERABLE OVER SUMMER. END FYI) DEPARTMENT IS PREPARED TO SEND REPRESENTATIVE FROM WASHINGTON TO DAMASCUS FOR ABOUT THREE WEEKS TO PARTICIPATE IN CONTEMPLATED NEGOTIATIONS.

7. AS NEGOTIATING TACTICS, DEPARTMENT WOULD PREFER TO CONDUCT NEGOTIATIONS ON AN INFORMAL BASIS. IF POSSIBLE, WE WOULD TRY TO AVOID EXCHANGES WITH SARG OFFICIALS ON THE AGENDA, RULES OF PROCEDURE, APPLICABLE SUBSTANTIVE LAW, RULES OF EVIDENCE, RECORD KEEPING AND OTHER DETAILS REGARDING THE CONDUCT OF NEGOTIATIONS. IT IS HOPED THAT WE COULD STIPULATE ON MANY ISSUES OF LAW AND FACT AND BY AGREEMENT AVOID UNNECESSARY EFFORTS ON DOCUMENTATION, PROOF OR NEGOTIATIONS. WE WOULD PREPARE DOCUMENTATION AND SUPPLY PROOF AS NECESSARY ON PARTICULAR POINTS AND ISSUES AS MIGHT BE SPECIFICALLY RAISED OR EXPRESSLY

REQUESTED BY SARG NEGOTIATORS. AFTER PRELIMINARY EXCHANGES OF INFORMATION ON RESPECTIVE GOVERNMENT POSITIONS, WE WOULD HOPE TO BE IN A BETTER POSITION TO ASSESS THE SITUATION, WHETHER TO PROCEED ON A CASE-BY-CASE BASIS OR TO SEEK LUMP-SUM SETTLEMENT AGREEMENT IN VIEW OF THE DISPARATE AND DIVERSIFIED ISSUES AND INTERESTS PRESENTED BY THE VARIOUS CASES IN THE REVISED LIST OF CLAIMS. THE INFORMAL PROCEDURES ENVISAGED BY THE DEPARTMENT WORKED WELL IN PAST NEGOTIATION ON CLAIMS WITH EGYPT.

8. FYI - THE PROPOSED INFORMAL PROCEDURE IS PARTICULARLY DESIRABLE FOR US BECAUSE OF THE EXISTING DEARTH OF DOCUMENTATION IN THE PROPER LEGAL FORM IN CERTAIN CASES, E.G.,
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ESSO STANDARD AND SOCONY VACUUM OIL COMPANY CUSTOMS AND TAX CASES, AND THE ALMOST COMPLETE LACK OF DOCUMENTATION IN THE CASE OF THE ESTATE OF JAMES MENHALL. END FYI

9. EMBASSY VIEWS AND COMMENTS ON THE FOREGOING WOULD BE APPRECIATED, AS WELL AS SARG REACTIONS. VANCE

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